

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

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OTIS MICHAEL BRIDGEFORTH, 07-A-6695,

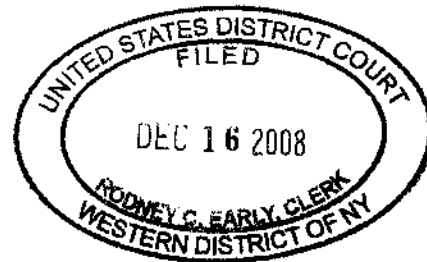
Plaintiff,

-v-

DECISION AND ORDER
08-CV-6438Fe

AMIR ZAID,
LT. LAPTONA,
C/O G. GEORGE,
C/O LORETTO,
RN SINGLETON,
C/O M. TURNER,
SGT. WILLIMAS,
D.S.S. P. GREIS, and
D.S.A. S. GASIEWICS,

Defendants.



INTRODUCTION

Plaintiff Otis Michael Bridgeforth, an inmate proceeding pro se, submitted a complaint together with an application to proceed *in forma pauperis*, and a civil cover sheet. Received on September 24, 2008, these documents bore no indication that they related to an existing case. Plaintiff checked the box "no" regarding whether he had begun any other lawsuits dealing with the same facts involved. Plaintiff did have a pending action concerning the same complained-of events presented in the instant papers; plaintiff had filed 08-CV-6349Fe (*Bridgeforth v. Zaid, et al.*) on August 5, 2008.

Plaintiff has now written to the Court to clarify that the papers he submitted on September 24, 2008 were intended to be an Amended Complaint in the earlier action. It may be that he indicated that he had no **other** action because he intended the new submission to be filed as the Amended Complaint in the original case, 08-CV-6349. Plaintiff is directed to provide clear indications of his intent or purpose on his future submissions, and to provide the proper Civil Action Number for each motion, request or filing.

Additionally, the Court notes that plaintiff is in the habit of sending to the Court a single letter in which he makes arguments and/or requests that relate to different aspects of each of his three pending cases -- for example, in the correspondence in which he explains that he intended his submission to be an amended complaint in 08-CV-6349, plaintiff also mentions that he would like to file an amended complaint in 08-CV-6471 and to correct a spelling error in 08-CV-6322. Plaintiff cannot continue to file such multiple requests in a single letter. Attempting to address multiple issues and multiple cases in a single correspondence does not meet the filing requirements for federal court (see Fed.R.Civ.P. 7, 8, and 10), is not clear, and leads to unnecessary confusions in plaintiff's cases. To assist plaintiff in making proper motions in the future, the Clerk of the Court is directed to send plaintiff the Court's Local Rules of Civil Procedure, the pamphlet "The Pro Se Litigation Guidelines" and a sample set of

motion paper forms. Plaintiff is encouraged to review these in order to better prosecute his actions.

It is not unreasonable, however, that an inmate proceeding *pro se*, in attempting to provide the Court with the necessary paper work, would provide both too much and too little in the same submission. Plaintiff submitted too much for the papers to be viewed as an amended complaint because amendments do not require another application for *in forma pauperis* or a second civil cover sheet, and too little because plaintiff did not provide any indication that he intended these papers to be filed in the original case. Accordingly, the Court accepts plaintiff's effort to clarify his submission, and directs the Clerk of the Court to close this case as opened in error. The Complaint in this action is to be filed as an Amended Complaint in 08-CV-6349, and is subject to review pursuant to 28 U.S.C. § 1915 in that action. The Pro Se Office is directed to notify the Southport Correctional Facility that plaintiff opened this case in error.

Plaintiff is advised that in the future and for each of his pending actions, he must avoid further confusions by:

- Captioning all of his papers with both the title of the action and the Court's Civil Docket Number assigned to the case;
- Once an application for relief, such as a request to proceed *in forma pauperis*, has been filed in an action, do not submit another such application unless and until directed to do so by the Court;
- Labeling his papers with a Notice providing the nature of the papers submitted (i.e. "Amended Complaint" or "Motion for an Extension" or

"Response to Defendants' Motion" or some other label that will assist the Court in properly docketing his papers); and

- File separate motions for each of his requests made in the different actions because multiple cases cannot properly be addressed in one document.

Following these guidelines in each of his actions will assist plaintiff in maintaining accurate case files and in ensuring his papers are docketed as he intended.

ORDER

For the reasons discussed above, the Court hereby Orders that plaintiff's effort to clarify his submission by letter dated November 12, 2008, be accepted by the Court and docketed in this action;

FURTHER, that the Clerk of the Court is directed to administratively close this case as opened in error;


FURTHER, that the Clerk of the Court is directed to file the Complaint in this action (Docket No. 1) as an Amended Complaint in Civil Action Number 08-CV-6349, to be reviewed pursuant to 28 U.S.C. § 1915;

FURTHER, that the Pro se Office is directed to notify the Southport Correctional Facility that this case was opened in error and that it should not encumber plaintiff's inmate trust account, pursuant to 28 U.S.C. s 1915(b), as directed previously by the Court; and

FURTHER, that the Clerk of the Court is directed to send plaintiff the Court's Local Rules of Civil Procedure, the pamphlet "Pro Se Litigation

Guidelines" and a sample set of motion paper forms, together with this Order, which plaintiff is encouraged to review these in order to better prosecute his actions.

IT IS SO ORDERED.



HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

Dated: Dec 15, 2008